

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

Kevin Moitoso, Tim Lewis, Mary Lee Torline, and
Sheryl Arndt, individually and as representatives of
a class of similarly situated persons, and on behalf
of the Fidelity Retirement Savings Plan,

Plaintiffs,

v.

FMR LLC, the FMR LLC Funded Benefits
Investment Committee, the FMR LLC Retirement
Committee, Fidelity Management & Research
Company, FMR Co., Inc., and Fidelity Investments
Institutional Operations Company, Inc.,

Defendants.

Case No. 1:18-cv-12122-WGY

**PLAINTIFFS' UNOPPOSED
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

Plaintiffs Kevin Moitoso, Tim Lewis, Mary Lee Torline and Sheryl Arndt (“Plaintiffs”) respectfully move the Court to: (1) preliminarily approve the Parties’ Class Action Settlement Agreement in the above-referenced matter; (2) approve the proposed Notices of Settlement and authorize distribution of the Notices to the Class; (3) schedule a final approval hearing; and (4) enter the accompanying Preliminary Approval Order.

This motion is made pursuant to Federal Rule of Civil Procedure 23(e) and is based on the accompanying Memorandum of Law and authorities cited therein, the Declaration of Kai Richter and exhibits attached thereto (including the Settlement Agreement attached as Exhibit A), the Declarations of Kevin Moitoso, Tim Lewis, Mary Lee Torline and Sheryl Arndt, and all files, records, and proceedings in this matter. Defendants do not oppose the motion as parties to the Settlement.

Respectfully Submitted,

Dated: July 2, 2020

NICHOLS KASTER, PLLP

s/Kai Richter

Paul J. Lukas (admitted *pro hac vice*)

Kai Richter (admitted *pro hac vice*)

James H. Kaster (admitted *pro hac vice*)

Brock J. Specht (admitted *pro hac vice*)

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on July 2, 2020, a true and correct copy of the foregoing was served by CM/ECF to the parties registered to the Court's CM/ECF system.

Dated: July 2, 2020

s/Kai Richter

Kai Richter